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Committee on the Elimination of Discrimination against Women
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Summary record of the 1503rd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 4 July 2017, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Italy (*continued*) (CEDAW/C/ITA/7; CEDAW/C/ITA/Q/7 and Add.1)

1. *At the invitation of the Chair, the delegation of Italy took places at the Committee table.*

Article. 1 to 6 (*continued*)

2. **Ms. Battilomo** (Italy) said that child victims of trafficking were often forced to claim to be older than they actually were so that they would not receive protection from the State. A presidential decree governing the procedures for age assessments of unaccompanied children, which took a multidisciplinary approach, had therefore been issued with a view to identifying child victims of trafficking.

3. **Ms. Jahan** said that she would appreciate it if the State party could indicate what measures had been introduced to ensure that a restrictive interpretation of article 18 of Legislative Decree No. 286/1998 did not deprive women who were trafficked in another country and then led to Italy for the purpose of trafficking of adequate protection, which was a concern raised in the concluding observations from the last reporting cycle (CEDAW/C/ITA/CO/6, para. 28). She wished to know whether victims of trafficking received temporary social protection irrespective of whether or not they cooperated with law enforcement officers. She wondered how many women had benefited from the humanitarian residence permit under Act No. 119/2013 concerning gender-based violence. It would be interesting to hear about the action taken to address the root causes of prostitution and human trafficking, namely poverty, inequality and discrimination. Following media reports concerning the sexual exploitation of Romanian women in Ragusa, Sicily, she wondered what action was being taken to address the situation.

4. **Ms. Manalo** said that she would like to hear what steps were being taken to prevent trafficked women from becoming stateless.

5. **Mr. Palma** (Italy) said that the humanitarian residence permit was granted to victims of trafficking without any obligation on the part of the victims. Data gathered since 2000 showed that half of the reported 25,000 trafficking victims had been issued permits, while the others did not require one since they were European Union citizens. The Government was aware of the serious sexual and labour exploitation of women in Ragusa and was working on an initiative in that regard. The situation was being monitored and funding for the initiative had been significantly increased.

6. Prostitution itself was not a criminal offence in Italy, although procuring was illegal. There were measures in place to raise awareness of the issue. Assistance was provided to victims of trafficking from other States who had been identified in Italy, regardless of their origin, in cases of both sexual and labour exploitation.

Articles 7 to 9

7. **Ms. Nadaraia** said that she commended the State party for increasing the representation of women in the parliament and local administration bodies. Nevertheless, that proportion was still below the 40 per cent target set for public entities. Furthermore, although 60 per cent of new candidates selected for the judiciary were women, most senior positions were held by men. She wished to know what strategies were in place to increase the representation of women in political decision-making bodies, the diplomatic service, the judiciary and the private sector and how the participation of women in public life was monitored and ensured. She would be interested to hear about what was being done to tackle the use of sexist and stereotypical language against women in the news media, including prominent female politicians, lawyers and judges who were often exposed to attacks on social and other online media, and about any plans to collect data in order to better understand such issues.

8. She would appreciate further details of how Act No. 215/2012, concerning the promotion of gender balance and equal opportunities in local governments and regional councils and the institutions and businesses that depended on them, would be implemented. Noting that there were legal and administrative measures in place to implement provisions such as Presidential Decree No. 251/2012, she wished to know whether a time frame for its full implementation was in place. Further information on the State party's targets concerning quotas for political parties and any timetable for achieving such targets would also be welcome.

9. **Ms. D'Ancona** (Italy) said that, as of 2017, 52 per cent of magistrates were women and the figure was higher among those who had recently joined the judiciary. There had been a steady increase in the number of women selected to serve in the highest courts in recent years. The President of the Milan Court of Appeal was a woman and the Ministry of Justice had been headed by women, to take just two examples. The Minister of Justice would soon attend a seminar to discuss a bill on equal participation of women in the justice system currently before the parliament, which sought to strike a gender balance in the judiciary, particularly within the Superior Council of the Judiciary, by requiring candidates to alternate by gender.

10. **Mr. Palma** (Italy) said that the law aimed at increasing the representation of women on the boards of publicly owned companies to 33 per cent would be implemented in phases until 2022. Publicly owned companies were monitored by the Department for Equal Opportunities, and private companies were overseen by the Italian Securities and Exchange Commission (CONSOB). To ensure compliance with the law, rigorous inspections were conducted every three to four months; any companies that did not meet the requirements of the law received a warning. Companies that did not comply with warnings faced penalties after a certain period, including the dismissal of the board of directors.

11. **Ms. Schulz** said that she would like to know whether the aim of the planned electoral law reform was to ensure parity between men and women for both chambers of parliament or to increase the overall representation of women in the national legislature.

12. **Mr. Palma** (Italy) said that the delegation could provide past data but was not able to comment on future plans. Nevertheless, article 51 of the Constitution, as amended in 2003, clearly stated that both sexes could be elected to public office on equal terms, and that was the legal basis for intervention in the electoral system. A similar approach had been adopted by the judiciary. There was a clear positive trend towards equality.

13. **Ms. Schulz** said that she would like to know whether the births of all children born in Italy were registered, regardless of whether or not the parents held a residence permit, as recommended in the concluding observations of the Committee on the Rights of the Child (CRC/C/ITA/CO/3-4, para. 29). If not, what did the State party intend to do to improve the situation?

14. The statelessness determination procedures were impeded by a number of factors, including stringent eligibility criteria, the length and cost of the procedures and a lack of safeguards against expulsion during the procedures. There was a large gap between the number of persons formally recognized as stateless and the number of stateless persons, or persons at risk of becoming stateless, as estimated by NGOs. Furthermore, nationality law applied only to children of parents who were officially recognized as stateless and did not apply retroactively once parents were granted such recognition, a situation that affected a significant number of Roma children. She therefore wished to know whether bill No. 2148, currently being debated by the Senate, would address the aforementioned concerns by removing the procedural impediments and improving mechanisms for identifying and protecting stateless persons; facilitating access to nationality by stateless persons, particularly women and children; enabling the children of persons who had not been formally recognized as stateless to obtain Italian nationality, even retroactively, and ensuring that the procedural safeguards under international standards were respected. She would also welcome information on the timetable for adopting the law and the measures to be taken to ensure its immediate and effective implementation once adopted.

15. **Ms. Battilomo** (Italy) said that almost all children were born in hospitals, and the mother and child were only discharged after the birth had been registered. Mothers were

entitled to full assistance under Italian law, regardless of whether they held a residence permit.

16. **Mr. Petri** (Italy) said that between 2012 and 2016, 50 stateless Roma persons had obtained Italian nationality, and 13 were recognized as stateless by the Ministry of the Interior. There were judicial procedures in place for the recognition of statelessness. The response to Ms. Schulz's question concerning the bill would be submitted in writing.

Articles 10 to 14

17. **Mr. Bergby**, noting the numerous programmes, projects and measures to promote equal opportunities in education by women and girls and to train teaching staff in tackling gender-based violence and discrimination, said that he wished to know what coordination mechanisms were in place to ensure that the national education policy was uniformly and effectively implemented. It would be helpful to have an account of the monitoring mechanisms set up to evaluate the status of implementation of the various projects, including in support of the Roma, Sinti and Caminanti peoples.

18. Given that three quarters of university students studying science, technology, engineering or mathematics were men, he asked whether there were any plans to encourage men and women to choose subjects and to follow career paths not traditionally associated with their sex. He also wondered what specific actions were envisaged to combat vertical and occupational segregation and to diversify academic and vocational choices among women and girls.

19. Furthermore, he wished to know what progress had been achieved by the Ministry of Health and the Ministry of Education in their efforts to finalize national guidelines on sexual and reproductive health education in schools, in accordance with World Health Organization (WHO) standards.

20. Notwithstanding the recent entry into force of a legislative decree on inclusive education for students with disabilities, he was concerned that male students with disabilities far outnumbered female students with disabilities, despite the legal requirement that all children with disabilities should be enrolled in mainstream schools. Considering that girls with disabilities were an extremely vulnerable group, it would be interesting to learn whether the Government planned to investigate the causes of the imbalance and take the appropriate remedial action.

21. **Ms. Baldi** (Italy) said that the Ministry of Education had offices throughout Italy and implemented projects at the national level to promote equal opportunities and tackle gender discrimination. Those projects were subject to different types of monitoring and enforcement mechanisms, most notably through a website administered by the Ministry that offered schools and associations an online forum to share project-related material. The Government encouraged schools to report their results on the website so that it could monitor the impact of projects. In addition, the so-called Good School Act promoted the principles of equal opportunities, the prevention of gender violence and non-discrimination.

22. **Ms. Marini** (Italy) said that a pilot project for the inclusion of Roma, Sinti and Caminanti children had been launched three years previously with funding from the National Fund for Social Policies and the European Social Fund. That project had been expanded to include 13 major cities and its implementation period had been extended to three years. The Government was also implementing a project for the integration of Roma children in schools.

23. **Mr. Di Nardo** (Italy) said that the Department for Equal Opportunities had implemented two projects for the advancement of women's careers in science, technology, engineering and mathematics. One of those projects formed part of the Seventh Framework Programme for Research and Technical Development of the European Union and had entailed a €10 million investment, with significant results. The Government had incorporated a gender perspective into the projects carried out under the Horizon 2020 programme. Recognizing that relatively few women opted for scientific careers owing to cultural reasons and gender stereotypes, the Department for Equal Opportunities and the Ministry of Education had worked together to promote scientific careers for girls and had

facilitated the funding of summer camps for girls interested in the sciences. Over €2 million had been raised and over 200 schools had participated in that project.

24. **Mr. Bergby** said that although he was pleased to learn about the Government's dissemination of information concerning various projects, it was unclear what kind of monitoring mechanisms were used to evaluate their implementation and outcomes.

25. **Ms. Baldi** (Italy) said that it was compulsory for the relevant data of all projects implemented at the regional level to be posted on the official website so that the Ministry of Education could monitor and evaluate outcomes.

26. **Ms. Haidar** said that, although some marginal improvements had occurred, women continued to face significant obstacles in gaining access to decent work, while gaps remained in the implementation of the 2030 Agenda for Sustainable Development. The voluntary national review by the High-level Political Forum on Sustainable Development was a welcome development, which afforded an opportunity for Italy to address the root causes of persistent inequalities between men and women. While an impressive number of legislative decrees, acts and policies had been adopted to address discrimination in the workplace, significant structural problems remained, such as the gap between women in southern and northern Italy, low female employment, the lack of access to decision-making positions and pay and pension gaps. It would be helpful to hear about the specific measures that the State party had put in place to address those disparities.

27. The Committee was concerned that Legislative Decree 151/2015 had reduced the powers of local equality councillors and their ability to monitor discrimination in the workplace. She wondered whether the Government intended to re-establish the National Commission for Equal Opportunities and give it the power to monitor policy recommendations on labour and welfare and adequate resources. It was not clear what was being done to guarantee the independence and funding of local equality councillors.

28. Given that women continued to be paid less than men for the same work, she wished to learn whether Act No. 92/2012, which aimed to promote equal pay through a monitoring system and database, had been adopted. The Committee would appreciate further details of the information that would be included in the database, along with evidence, if any, to show that the pay gap had narrowed. Moreover, in the light of reports that leaving and re-entering the labour market resulted in more precarious jobs and labour market segmentation for women, she wished to know how the Government planned to address those problems.

29. Deficiencies in the public welfare system and an ageing population were leading to greater reliance on migrants for the performance of domestic and care work. However, migrant women, especially those in irregular situations, were extremely vulnerable to a number of threats at the time of their recruitment, during travel and when establishing themselves in a new country. She would be grateful if the delegation would describe the measures taken to address the risks facing migrant workers and indicate whether it intended to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

30. **Ms. Arocha Domínguez** said that, while many health measures had been adopted by the State party since its previous review, it was unclear what outcomes and progress had been achieved as a result of their implementation. Noting that the report had mentioned gaps in relation to mammography screening programmes, the life expectancy of Roma women, the disadvantages facing the southern Italian women and the prevalence of HIV among the foreign population, she wished to learn what specific steps had been taken to promote the right to health among those disadvantaged groups.

31. Although the State party had stated that health-care services had not undergone privatization as a result of austerity policies, civil society appeared to take a different view. She therefore wished to know what proportion of care services was provided by the public and private sectors, especially with regard to services affecting women such as mother and child care and sexual and reproductive health care. She also wondered whether the Government had studied or planned to study the impact of its health policies on abortion and whether information was collected on access to abortion services and the number of women who wished to terminate their pregnancies but were unable to do so because of a

lack of access or other reasons. She would appreciate further information on how the Government planned to address the issue of access to reproductive health.

32. While the report stated that no prescription was required for emergency contraception, it was unclear whether this type of contraceptive was readily available in rural and urban areas, respectively. She would welcome information on whether specialized services, appropriate guidance and regular checks were offered to Roma and immigrant women, women with disabilities and lesbian and transsexual women in areas such as reproductive and sexual health. Lastly, she wished to learn what legislative and practical measures the State had taken to prevent practices such as the sterilization of Roma women or women with disabilities.

33. **Mr. Ferrante** (Italy) said that the measures for the reconciliation of work and family life included the introduction in 2015 of obligatory parental leave for men and women. In June 2016, the Presidency of the Council of Ministers had approved a directive on smart working practices, which permitted 10 per cent of public employees to work remotely using digital technology. Furthermore, the Department for Family Policies and the Department for Equal Opportunities were promoting and implementing a European project to encourage men to take parental leave and would launch a nationwide awareness campaign for that purpose in autumn 2017.

34. **Ms. Ciampa** (Italy) said that the Government provided day nursery vouchers and child bonuses to help families achieve a work-life balance. It was striving to transform childcare services and planned to implement a new programme, with several million euros in funding, to make an extra 10,000 kindergarten places available in southern regions such as Sicily and Campania. Data from the National Statistical Institute revealed that, in 2014, 10 per cent of childcare needs were met, but this figure did not include private facilities, which meant that, in practice, the level of coverage was higher.

35. As regards stronger protections for women workers, Act No. 183/2014 (the "Jobs Act") had introduced labour-market reforms, including measures to combat the widespread phenomenon whereby female candidates were requested to sign blank letters of resignation when they entered into employment contracts and other discriminatory practices. Further provisions granted protections for women during pregnancy and in the three years following childbirth. In the area of pensions, the Government was committed to implementing the "Women's Option" programme, which supported women's role as primary caregivers by allowing them to take early retirement at 57 years of age (58 years for self-employed workers), beginning in 2017. However, the pensions received by those participating in the scheme would be 20 per cent lower.

36. **Ms. Morresi** (Italy) said that the Government's figures on abortions carried out corresponded to the number of medical certificates issued in response to requests for the procedure following consultations between the patient and the medical practitioner. The Government believed that its medical facilities were adequately staffed, with the Ministry of Health reporting that 92.2 per cent of voluntary terminations occurred in the region of residence. Thus, few patients had to travel to other regions for the procedure. The Ministry held regular meetings with representatives from the offices responsible for monitoring the regional implementation of the law to check the accuracy and quality of the data received from external independent sources and the National Statistical Institute. In 2016, the Ministry had funded a training course to improve the implementation and monitoring of the law on the voluntary termination of pregnancy, which addressed various legal aspects and was attended by representatives of all regional offices.

37. **Ms. Haidar** said that her question on the wage gap had not been fully answered. While the measures introduced for the reconciliation of work and family life were positive, they only covered the first year of the child's life, after which the mother was left in a difficult situation. She wished to hear more about the pension gap and was concerned that, by offering women smaller pensions, the "Women's Option" programme might lead to their impoverishment.

38. **Mr. Petri** (Italy) said that his delegation would provide the information on protections afforded to vulnerable women that Ms. Arocha Domínguez had requested earlier in writing.

39. **Ms. Muratore** (Italy) said that there had been a substantial improvement in health care and education for women with disabilities, who outnumbered men with disabilities in Italy. Further information on improvements to the gender pay gap would be provided in writing.

40. **Mr. Ferrante** (Italy) said that men and women were entitled to paid leave following the birth of a child, and a monetary bonus was paid after the seventh month of pregnancy and in cases of adoption.

41. **Ms. Morresi** (Italy) said that she did not know of any cases involving women who had not been able to have access to abortion services.

42. **Ms. Haidar** said that a 4 per cent cut to regional funding had reduced local budgets for social and health-care services. Moreover, access to essential care remained unequal and waiting times were often long, despite the decision to allocate €8 billion to improving the system. Access to credit remained difficult for women running micro-businesses. She asked whether the Government was considering measures to assist women who did not fulfil business loan requirements.

43. Welfare services to reduce the demands on women caring for older persons, increase long-term support services for persons with disabilities and provide support for young children remained limited. The number of women resigning from their jobs after childbirth had increased, and raising paternity leave from 2 days to 4 days had not resolved work-family conflict. Given that many fathers were discouraged from taking optional paternity leave, as they received only 30 per cent of their salary, she wished to know whether there were plans to increase the pay for paternity leave further.

44. The number of women in the sports sector was extremely low owing to perceptions that professional sports were exclusively for men. As female athletes were regarded as amateurs with no legal protection, she asked whether existing legislation would be amended to ensure that male and female athletes had access to all recognized professional sports. She also wished to know whether the Ministry of Sport monitored the policies of the Italian Olympic Committee.

45. **Ms. Acosta Vargas** said that the rate of female mortality had increased since 2015, and cuts to social services had affected women living in southern regions in particular. She wished to know how the rural development programme for the period 2015-2020 would reduce poverty and increase social inclusion and whether there were programmes to foster access to land titles for women. She also asked whether the employment practices of agricultural businesses in rural areas were monitored, and what mechanisms were in place for employees to complain about abusive employers.

46. She wondered whether there was any plan to integrate women with disabilities more completely into national economic and social life, whether companies had any quotas or obligations regarding the employment of persons with disabilities and what the employment rate was among those persons. She asked whether there were any mechanisms to ensure that women were not the sole caregivers for persons with severe disabilities. She would also appreciate further information on the readiness of the health-care services to assist persons with disabilities.

47. She would appreciate up-to-date statistics on the number of women deprived of their liberty. It would also be useful to know how many women were serving sentences, how many had been convicted, how many were in pretrial detention, whether those women were protected from inhuman or degrading treatment, what treatment for HIV/AIDS was provided, what alternatives to pretrial detention were available and whether the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) were upheld.

48. **Mr. Ferrante** (Italy) said that, in addition to regional funds, there was a national fund to assist people who were not self-sufficient, including persons with serious disabilities, and a new fund had been established in 2016 for the carers of persons with serious disabilities. An additional €15 million had been set aside by European Union bodies to provide the families of persons with disabilities with services such as counselling. In addition, childcare was available for children with chronic diseases who were unable to

attend mainstream day-care centres. A fund had been established to make access to credit easier for families with children which would provide approximately €10,000, to be repaid over seven years. Parental leave was now paid in full for both men and women.

49. Information on women with disabilities had been provided in 2016 during discussion of the initial periodic report on the Convention on the Rights of Persons with Disabilities (CRPD/C/ITA/1). A comprehensive legislative framework for all persons with disabilities was in place, in addition to a quota system that required companies to employ at least 2 persons with disabilities per 50 employees, and for persons with disabilities to comprise 7 per cent of the work force in companies with over 50 employees.

50. **Ms. D'Ancona** (Italy) said that the Bangkok Rules had been widely disseminated throughout the prison system nationwide and inmates were made aware of them. Only in exceptional cases could preventive measures be applied to women with children under 6 years of age prior to sentencing. Institutions had been established that allowed women in detention to remain with their children and receive special care.

51. **Mr. Petri** (Italy) said that further information on agriculture would be provided in writing.

52. **Mr. Palma** (Italy) said that a fund was used by banks to promote access to credit among female entrepreneurs. The Government had entered into an arrangement with the Italian Banking Association and other organizations to provide training for potential female entrepreneurs. Approximately €1.5 billion had been allocated to the fund and further funding was planned owing to high demand for the training.

53. **Ms. Haidar** said that she wished to have clarification of the funding available for childcare for families with children with disabilities. As it remained difficult for owners of micro-businesses to have access to credit, she asked whether any grants were available to reduce poverty among female entrepreneurs.

Articles 15 and 16

54. **Ms. Halperin-Kaddari** said that, despite the increase in shared physical custody arrangements, there was widespread misunderstanding of the difference between legal custody and physical custody, including among judges. As research suggested that shared physical custody could be harmful, particularly in cases involving very young children or extreme parental conflict, she asked whether studies had been carried out into its effects.

55. She was concerned that so-called parental alienation syndrome, promoted by men's rights groups, was still invoked by experts in juvenile courts and custody cases, despite the fact that the syndrome having been repudiated by the Italian Psychological Society, the Department of Health and the Supreme Court. In view of the cases in which men argued that claims of domestic violence were falsely made in divorce proceedings in order to alienate fathers and children, she wished to know whether there were statutory provisions requiring gender-based violence to be taken into account in custody hearings, recognizing that children's welfare was affected by violence against their mothers, and prohibiting shared physical custody in cases of domestic violence.

56. Women were often negatively affected by the division of matrimonial property following divorce or separation. In that regard, she asked what measures were in place to keep women fully informed of their rights. Similarly, she wished to know whether the earning potential of separating spouses was taken into account, considering that women were often responsible for childcare and housework at the expense of their careers, and whether increased earning potential was considered part of the common assets to be divided in a divorce settlement. Lastly, as two Italian districts provided child support payments in cases where fathers failed to make them, she asked whether legislation was envisaged that would extend such payments nationwide.

57. **Mr. Palma** (Italy) said that there was no scientific evidence to prove the existence of parental alienation syndrome and it was not included in any government guidelines.

58. **Ms. D'Ancona** (Italy) said that previous judgments of the Court of Cassation had not taken parental alienation syndrome into consideration, and it was not legally recognized

in Italy. Existing legislation guaranteed that all working women, including those caring for family members, were entitled to a certain share of property during divorce or separation, including in a community property regime. Judges were responsible for verifying that assets were separated equally between spouses.

59. **Ms. Schulz** said that corrective surgeries conducted on intersex children were often irreversible and medically unnecessary. She wished to know whether the Government planned to adopt legislation to protect the bodily integrity and self-determination of intersex people, potentially by criminalizing surgical interventions, or to provide compensation for intersex people who had been operated on without their consent.

60. **Ms. Morresi** (Italy) said that, in 2015, only nine operations had been carried out on intersex children between 0 and 9 years of age. Such operations took the child's medical history into account and could only be conducted with the consent of parents or guardians. There were no indications that any forced surgical interventions had taken place.

61. **Ms. Schulz** said that many people felt that it was inappropriate for parents to give consent for their intersex children to have surgery owing to the gravity and lasting consequences of the procedure.

62. **Mr. Petri** (Italy) said that his country would endeavour to learn from the comments of Committee members and continue its efforts to improve its application of the Convention.

The meeting rose at 5.05 p.m.